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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/608,591
Filing Date: June 27, 2003
Appellant(s): SWEET ET AL.

Christopher D. Wait
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/19/09 appealing from the Office action

mailed 1/9/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

10/608,587

10/608,590

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

GROUNDS OF REJECTION NOT ON REVIEW

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief.

Claims 3, 5, 8, 10, 13, and 15 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Bharat et al. (US 6112203 A) and Earl (US

5924104 A) as applied to claims above, and in further view of Min et al.

(US 6633868 B1).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,112,203	Bharat et al.	8-2000
5,924,104	Earl	7-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 6, 7, 9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Bharat et al. (US 6112203 A) and Earl (US 5924104 A).

Regarding independent claim 11, Bharat et al. teach that we locate pages that

point to at least one of the pages in the start set 201. We call this set of pages the back

set 202 (Column 4, line 61 – Column 5, line 20), which meets the limitation of

performing a page-level link analysis that identifies those hyperlinks on a page

linking to a candidate document page.

Bharat et al. teach that the pages pointed to by the start set 201 are located.

This can be done by fetching each start set page and extracting the hyperlinks in each

of the pages (Column 4, line 61 – Column 5, line 20), which meets the limitation of

searching page data to create a list of links in the document.

Bharat et al. teach that the pages pointed to by the hyperlinks constitute the

forward set 203. Nodes for the forward set of pages are also added to the n-graph 211.

Thus, the input set of pages 204 includes the back, start, and forward sets 201-203

(Column 4, line 61 – Column 5, line 20), which meets the limitation of **analyzing each**

link in conjunction with each other link in the list of links to identify link pairings.

Bharat et al. teach that the input set of pages 204 includes the back, start, and

forward sets 201-203. The input set 204 includes pages which do not directly satisfy the

query, i.e., pages that do not include key words exactly as specified in the query.

However, these pages may be useful because they are linked to pages of the start set

(Column 4, line 61 – Column 5, line 20), which meets the limitation of **assembling link**

pairings in order to form clusters of links.

Bharat et al. teach that if a link points to a page that is represented by a node in

the graph, and both pages are on different servers, then a corresponding edge 213 is

added to the graph 211. Nodes representing pages on the same server are not linked

(Column 4, line 61 – Column 5, line 20), which meets the limitation of **examining the**

links in the cluster of links for locality. It should be noted that pages on the same

server are nodes and are thus still apart of the resulting graph.

Bharat et al. teach that a larger n-graph 211 can be constructed by repeating this

process for the back and forward sets 202-203 to add more indirectly linked pages

(Column 4, line 61 – Column 5, line 20), which meets the limitation of **performing a**

recursive application of the page-level link analysis to the linked candidate

document page and any further nested candidate document pages thereby

identified, until a collective set of identified candidate document pages is

assembled.

Bharat et al. do not explicitly teach **performing a document-level**

analysis that examines the collective set of identified candidate document pages

for grouping into one or more documents; examining the collective set of

identified candidate document pages to weed out links from the collective table of

content set which have properties that are not characteristic of intra-document

links, to provide a resultant set of identified candidate document pages; grouping

the content found in the resultant set of candidate document pages by an

automated system into a document representation stored in memory by an

automated system and; and printing or viewing on a display by a user, the

document representation.

Earl teaches that the link display manager 300 includes a document

parser 304 for parsing each document and identifying links 202 and 204 (Column 2, line

59 – Column 3, line 9), which meets the limitation of **performing a document-level**

**analysis that examines the collective set of identified candidate document pages
for grouping into one or more documents**.

Earl teaches that the link display manager 300 includes a display system
for defining predetermined screen element properties providing visual cues for
distinguishing the identified links 202 and 204. When a user provides an input link
selection to select a new document, the document parser 304 parses the selected new
document to identify intradocument links 202 and interdocument links 204 (Column 2,
line 59 – Column 3, line 9), which meets the limitation of **examining the collective set
of identified candidate document pages to weed out links from the collective table
of content set which have properties that are not characteristic of intra-document
links, to provide a resultant set of identified candidate document pages**.

Earl teaches that the display system 306 processes the identified
intradocument links 202 and interdocument links 204 for displaying distinctively the
intradocument links 202 and interdocument links 204 with predetermined visual cues to
differentiate the links 202, 204 (Column 2, line 59 – Column 3, line 9), which meets the
limitation of **grouping the content found in the resultant set of candidate document
pages by an automated system into a document representation stored in memory
by an automated system and; and printing or viewing on a display by a user, the
document representation**.

It would have been obvious to one of ordinary skill in the art at the time of
the invention to combine the invention of Bharat et al. with that of Earl because such a
combination would provide the users of Bharat et al. with *an improved method and*

apparatus for displaying links on a user display interface in a computer system (Column
1, lines 39 – 41).

Regarding dependent claims 12 and 14, Bharat et al. teach that a similarity
weight is assigned to each node of the sub-graph. Various document similarity-
measuring techniques have been developed in Information Retrieval to determine the
goodness of fit between a "target" document and a collection of documents. These
techniques typically measure a similarity score (Column 6, lines 51 – 57), compare with
**the step for analyzing each link further comprises determining a score for each
link pairing**, and **the scoring is determined by a similarity criteria**.

Regarding claims 1, 2, and 4, the claims incorporate substantially similar
subject matter as claims 11, 12 and 14 and are rejected along the same rationale.

Regarding claims 6, 7, and 9, the claims incorporate substantially similar
subject matter as claims 11, 12, and 14 and are rejected along the same rationale.

(10) Response to Argument

For the sake of brevity, Appellant attacks Bharat for not teaching **examining the
collective set of identified candidate document pages to weed out links which
have properties that are not characteristic of intra-document links, to provide a**

resultant set of identified candidate document pages because Bharat is only

interested in inter-document links (pp 14 – 17).

The Office does not know what to make of these arguments because Bharat is

not relied upon to teach this limitation or intra-document links. Thus, these arguments

appear to be moot.

Appellant argues that Earl does not teach **examining the collective set of**

identified candidate document pages to weed out links which have properties that

are not characteristic of intra-document links, to provide a resultant set of

identified candidate document pages because what Earl defines as intra-document is

what Appellant would call intra-page and thus what Earl calls inter-document is really

inter-page (pp 17 and 18).

The Office disagrees.

First, it should be noted that the claim recites "links which have properties that

are not characteristic of intra-document links," which has been interpreted as links that

appear, seem, or are otherwise similar to intra-document links. Regardless of how

appellant would like the Office to interpret the intra-document links of Earl versus those

defined by Appellant's specification, Appellant fails to positively recite intra-document

links and chooses only to recite links that may be characteristic of intra-document links.

Thus within the broadest, reasonable interpretation in light of the specification, the

Office maintains that the intra-document links or inter-document links of Earl read on or

renders obvious the links which have properties that are not characteristic of intra-document links.

Further, the claim's use of double negatives and open language lends itself to being interpreted loosely with bigger metes and bounds that appellant may intend. As to the declarations, the declarations raise the question of how much weight they hold. They appear to be self-serving and give the impression that one must just take appellant's word for it. The audacity to imply that the Earl reference is misusing terms of art such as intra-document and inter-document links and to attempt to explain that the Earl reference really mean circular links is appalling and unconvincing.

In light of all the evidence, the claim recites **links, which have properties that are _not characteristic_ of intra-document links**. Consequently, the Office maintains that Earl clearly and explicitly teaches intra-document and inter-document links that meet the claimed intra-document link, since both or at least one of the links, intra-document and inter-document, have <u>properties that are characteristic</u> of intra-document links within the broadest, reasonable interpretation in light of the Specification.

Appellant argues that Earl further does not teach **examining the collective set of identified candidate document pages to weed out links which have properties that are not characteristic of intra-document links, to provide a resultant set of identified candidate document pages** because Earl keeps all the links while appellant's invention discards or "weeds" out the undesirable links (pp 18 and 19).

The Office disagrees.

The Office maintains that Earl does "weed out" the links within the broadest, reasonable interpretation in light of the specification. The Declaration, which appellant cites to bolster this argument, actually states that "in the specification, the appellants used the phrase 'filtered out' as an alternative to the 'weed out' language, which will also further reinforce for those skilled in the art as to what the appellants mean" ('Sweet' Declaration, p 4, item 9).

As it relates to computers, the term 'weed out' does not necessarily require a delete operation especially in light of the fact that appellant means 'weed out' to be synonymous with 'filter out.' Filtered out is a term of art that basically means to discriminate or distinguish. By design, computers are meant to hold and store information. Just because at time t1, the user would like certain data weeded out does not mean that at time t2, the user has no use for that data and would not want it then. Computers allow a user to hone in on certain data at certain times depending on what data the user would like to focus at that time; permanently deleting a subset of data for one operation automatically would cause catastrophic results for most users and would be counterintuitive to the skilled artisan.

Thus, Earl, by appellant's own admission, teaches discriminating visually between intra-document and inter-document links (p 18, first full paragraph), which meet the definition of separating out, weeding out, or filtering out, the links visually on screen. The requirement to have to discard the links is still too limiting in view of what is actually claimed and in light of all the evidence.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Nathan Hillery/

Examiner, Art Unit 2176

Conferees:

/DOUG HUTTON/
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